

THE HONORABLE BENJAMIN H. SETTLE

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON AT TACOMA

ROBERT H. LUKE,

Plaintiff,

vs.

THE CITY OF TACOMA, a municipal
corporation and the TACOMA
POLICE DEPARTMENT, a municipal
subdivision of the City of Tacoma,
SEAN GUSTAFSON, FRANK
KRAUSE, MIKE AKE and DONALD
RAMSDELL,

Defendants.

NO. 3:18-cv-05245-BHS

STIPULATION AND AGREED
ORDER OF DISMISSAL OF
PLAINTIFF'S EQUAL PROTECTION
AND RCW 49.60 CLAIMS

Noted for consideration:
September 11, 2019

STIPULATION

WHEREAS the Court issued an order dismissing plaintiff's equal protection
claims with prejudice (Dkt. 17); and

WHEREAS after the Court dismissed plaintiff's equal protection claims with
prejudice, plaintiff filed his Second Amended Complaint (Dkt. 30); and

1 WHEREAS Plaintiff's Second Amended Complaint purports to assert both an
2 equal protection claim (Sixth Cause of Action) and discrimination claims pursuant to
3 Washington's Law Against Discrimination, Chapter 49.60 RCW (Fourth Cause of
4 Action); and

5 WHEREAS plaintiff's RCW 49.60 discrimination claims are predicated on the
6 same factual allegations as plaintiff's equal protection claim;

7 NOW THEREFORE, the parties, represented by their undersigned counsel,
8 hereby stipulate to the dismissal of plaintiff's equal protection claims (Sixth Cause of
9 Action) and plaintiff's RCW 49.60 discrimination claims (Fourth Cause of Action), as
10 stated in plaintiff's Second Amended Complaint.

11 DATED this 11th day of September, 2019.

12 RUSH, HANNULA, HARKINS
13 & KYLER, LLP

WILLIAM C. FOSBRE, City Attorney

14 By: 

15 DANIEL R. KYLER
16 WSB #12905
17 Attorney for Plaintiff

By: 

JEAN P. HOMAN
WSB #27084
MICHELLE N. YOTTER
WSB #49075
Attorneys for Defendant

18 LAW OFFICES OF CHRISTOPHER
19 R. MCLEOD

20 By: 

21 CHRISTOPHER R. MCLEOD
22 WSB #14190
23 Attorney for Plaintiff

ORDER

It is so ordered.

Dated this 12 day of September, 2019.


HON. BENJAMIN H. SETTLE


CERTIFICATE OF SERVICE

I hereby certify that on 9-11-19, I electronically filed, through my staff, the foregoing with the Clerk of the Court using the CM/ECF system to the following:

Attorneys for Plaintiff

Daniel R. Kyler
Rush Hannula Harkins & Kyler LLP
4701 S 19th St, Ste 300
Tacoma, WA 98405-1199

Christopher R. McLeod
Law Office of Christopher R. McLeod
PO Box 65252
University Place, WA 98464-1252


JEAN P. HOMAN
WSBA#27084
Attorney for Def. City of Tacoma
Tacoma City Attorney's Office
747 Market Street, Suite 1120
Tacoma, WA 98402
(253) 591-5885
Fax: (253) 591-5755
jhoman@ci.tacoma.wa.us